

### REMARKS

Claims 1 and 7-13 are pending. In an Office Action dated May 12, 2008, the Examiner imposed rejections of claims 1 and 7 under 35 USC 112, first paragraph for alleged lack of written description for an amendment introduced in Applicants' prior response and maintained, but modified, rejections of pending claims 1 and 7-13 under 35 USC 103(a) over Rava (US 5545531) in view of He (US 20030049862). The claim rejections were made final. Applicants respond by submitting the amendments above and comments below. Based on this submission, reconsideration of the merits of this patent application is respectfully requested.

#### Rejections under 35 USC 112, first paragraph and 103(a)

Applicants respectfully traverse the Examiner's contention that the specification lacks written description for the recitation "without the samples contacting the microarray." Paragraphs [00022] - [00024] describes adding samples to a sample loading array. Paragraphs [00025] - [00027] then details a further step of bringing the sample loading array into contact with the microarray when hybridization reactions are performed. The point of the cited sections is that the samples are prepared and poised for contact with the microarray, but do not contact the microarray until it is time for hybridization. Applicants describe therein several methods for bringing samples loaded on the sample loading array into contact with the microarray. Indeed, when discussing initial contact between the samples and the microarray, Applicants state at paragraph [00025] that "After all the samples are delivered into the sample loading array, the sample array can be stored until the hybridization is to be performed." The skilled artisan understands from this statement that the sample loading array need not even be in the same physical location as the microarray until hybridization, and further that hybridization cannot be performed until the samples contact the microarray.

Applicants' reference to written description support in paragraphs [00022] - [00027] applies with equal force to the further claim amendments, *supra*, that clarify that the sample loading array is spaced apart from the microarray until hybridization reactions are performed. The examiner contended in a rejection under 35 USC 103(a) that Rava meets Applicants' claims because samples in the Rava device do not initially contact the microarray as they are being

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loaded. Even though recitations in rejected claim 1 ("permit[ting] the samples in micro-channels to flow into contact with the substrate on the microarray so that a hybridization reaction can occur") and claim 7 ("placing the sample loading array in contact with the microarray such that the ends of the micro-channels opposite of the membrane are aligned with the sub-arrays of the microarray, so that different samples are placed in contact with different sub-arrays of the microarray and a hybridization reaction can occur") make clear that a sample-containing sample loading array is kept away from the microarray until such time as the hybridization reaction is performed, Applicants amend those claims to ensure that the distinction from Rava is clearly stated.

Reconsideration is respectfully requested. A Request for Continued Examination accompanies this response.

A petition for an extension of time for one month accompanies this response so the response will be deemed to have been timely filed. If any other extension is due in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee due to Deposit Account No. 17-0055. No other fee is believed due, but if any other fee is due in this or any subsequent response, please consider this to be a request to charge the fee to the same Deposit Account.

Respectfully submitted,

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